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Remarks

Reconsideration and allowance of the subject patent application are respectfully requested.

A listing of the pending claims is provided for the Examiner's convenient reference.

Claims 1, 7 and 9-20, 25, 26 and 30-46 were rejected under 35 U.S.C. Section 102(e) as allegedly being "anticipated" by O'Brien (U.S. Patent No. 6,587,831).

The resource management system of claim 1 includes a work plan builder module that is configured to allow each worker to specify, for each of a plurality of different time periods during each of one or more workdays, one of a plurality of different activities that the worker plans to perform during that time period. An illustrative example display of a work plan builder module including this feature is shown in Figure 6. As described in the specification, this feature is advantageous because it provides workers a degree of autonomy in choosing what they want to do and when they want to do it. This feature also makes the workers the data source for work schedules and thereby takes advantage of the fact that the workers themselves are most likely to know what factors will affect their work schedules. The work plans entered by the workers can then be examined to determine if they will provide a desired service level for an expected workload. If necessary, the work plans may be modified to re-allocate resources.

O'Brien does not disclose a work plan builder module as specified in claim 1. O'Brien discloses a system and method in which a scheduling engine generates an optimal schedule within certain constraints by assigning employees to each shift in the schedule template. O'Brien makes reference to "employee preferences" such as shift requests, leave requests, and shift swapping. "Shift requests" in O'Brien correspond to times when a worker would like to start/finish work. See col. 7, line 18 et seq. "Leave requests" refer to days off (see col. 8, line 38

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et seq.) and "shift swapping" refers to swapping shifts with another employee (see col. 8, line 53 et seq.). None of these "employee preferences" however are described as involving workers specifying, for each of a plurality of different time periods during each of one or more workdays, one of a plurality of different activities that the worker plans to perform during that time period.

The portions of O'Brien referenced in the office action do not disclose (or even suggest) the claimed work plan builder module. In particular, Figure 2A simply shows the shift assignment (*e.g.*, 6:00 am to 10:00 am; 10:00 am to 2:00 pm; etc.) for each employee for a given schedule period. There is however no disclosure or suggestion therein of a worker being able to specify different activities within a particular one of these shift assignments. Figure 2B shows a single day schedule in which various employees are assigned to different shifts. However, this schedule is output by a scheduling engine which determines what each employee will do and when the employee will do it. There is no disclosure in Figure 2B of any particular activity in which the worker is engaged, nor is there is any disclosure or suggestion whatsoever of the worker specifying breaks or lunch or when these are desired to occur. Col. 4, lines 10-26 make reference to "availability data", but here again there is nothing at all suggestive in this phrase of a worker specifying, for each of a plurality of different time periods during each of one or more workdays, one of a plurality of different activities that the worker plans to perform during that time period. Thus, O'Brien is fundamentally different than the resource management system of claim 1.

The office action erroneously focuses on the outputs of the scheduling system shown in Figures 2A and 2B of O'Brien. See, *e.g.*, col. 2, lines 44-45 ("FIG. 2A is an exemplary schedule ...generated in accordance with the preferred embodiment.") (emphasis added); and col. 2, lines 46-47 ("FIG. 2B is an exemplary detailed schedule ... generated in accordance with the preferred

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embodiment.") (emphasis added). These Figures do not disclose or suggest the concept of the workers specifying the activities in which they plan to engage during a plurality of time periods. Rather, these Figures show the shift assignments for workers after they are generated by the scheduling system.

For at least these reasons, O'Brien cannot anticipate the resource management system of claim 1. Claims 7, 9-13 and 17 depend from claim 1. These claims are believed to be allowable because of this dependency and because of the additional patentable features recited therein.

As for claim 14, this claim recites a method in which a work plan is received from each of a plurality of workers wherein the worker specifies, for each of a plurality of different time periods during each of one or more workdays, one of a plurality of different activities that the worker plans to perform during that time period. For the reasons discussed above with respect to claim 1, O'Brien fails to disclose (or even suggest) the concept of a worker specifying different activities within a workday. Consequently, claim 14 and its dependent claims 15, 16 and 18 cannot be anticipated by O'Brien.

Claim 19 is directed to computer-readable storage having stored thereon a work plan builder module for enabling workers to build their own work plans for one or more workdays, the work plan builder module being configured to allow each worker to specify different activities to engage in during different time periods of the same workday. As explained above, O'Brien does not, among other things, contain any disclosure whatsoever regarding a work plan builder module that is configured to allow each worker to specify different activities to engage in during different time periods of the same workday. As such, claim 19 and its dependent claims 20-42 are believed to patentably distinguish over O'Brien.

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The method of managing resources of claim 43 involves receiving from each of one or more workers a work plan in which the worker specifies a first activity for a first time period during a workday and a second different activity for a second different time period during the same workday. No such feature is disclosed by O'Brien and thus claim 43 and its dependent claims 44-46 are believed to patentably distinguish over O'Brien.

Claims 2, 3, 8, 21, 22 and 27-29 were rejected under 35 U.S.C. Section 103(a) as allegedly being "obvious" over O'Brien. Applicants traverse this rejection. These claims depend from claims 1 and 19 and O'Brien is deficient with respect to claims 1 and 19 for the reasons stated above. Accordingly, for at least these reasons, O'Brien does not render claims 2, 3, 8, 21, 22 and 27-29 obvious.

Claims 4-6, 23 and 24 were rejected under 35 U.S.C. Section 103(a) as allegedly being "obvious" over O'Brien in view of the article "National Finance Center-Employee Personal Page Information." Applicants traverse this rejection. First, these claims depend from claims 1 and 19 and the article does not remedy the deficiencies of the O'Brien with respect to these claims. Second, the article is in the context of providing a web site through which a person can access certain personal information. Applicants respectfully submit that such a web site would not have made it obvious to modify O'Brien as proposed in the office action. Accordingly, the proposed combination of O'Brien and the *National Finance* article would not have rendered claims 4-6, 23 and 24 obvious.

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The pending claims are believed to be in condition for allowance and favorable office action is respectfully requested.

Respectfully submitted,

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